

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-SEVENTH LEGISLATURE

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FIFTY-NINTH LEGISLATIVE DAY  
WEDNESDAY, MARCH 10, 2004

Senate Chamber

President Risch called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senator Brandt, absent and formally excused by the Chair; and Senators Calabretta, Darrington, Gannon, Ingram, Malepeai, Pearce, and Werk, absent and excused.

The President announced that the Oath of Office had been administered previously to Acting Senator Andreason and she was recorded present at this order of business.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Alex Calkins, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 9, 2004, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Little, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senators Calabretta, Darrington, Gannon, Ingram, Pearce, and Werk were recorded present at this order of business.

March 9, 2004

The JUDICIARY AND RULES Committee reports that **S 1210, S 1221, S 1237, S 1244, S 1245, S 1246, S 1248, S 1249, S 1255, S 1264, S 1266, S 1267, S 1268, S 1295, S 1296, and SCR 120** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1210, S 1221, S 1237, S 1244, S 1245, S 1246, S 1248, S 1249, S 1255, S 1264, S 1266, S 1267, S 1268, S 1295, S 1296, and SCR 120** and ordered them transmitted to the House for the signature of the Speaker.

March 9, 2004

The FINANCE Committee reports out **H 805** with the recommendation that it do pass.

CAMERON, Chairman

**H 805** was filed for second reading.

March 9, 2004

The HEALTH AND WELFARE Committee reports out **S 1290** with the recommendation that it do pass.

BRANDT, Chairman

**S 1290** was filed for second reading.

March 9, 2004

The HEALTH AND WELFARE Committee reports out **H 579**, as amended, with the recommendation that it do pass, and with the recommendation that it be placed on the Consent Calendar.

BRANDT, Chairman

**H 579**, as amended, was filed for second reading.

March 9, 2004

The TRANSPORTATION Committee reports out **S 1422** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

INGRAM, Chairman

There being no objection, **S 1422** was referred to the Fourteenth Order of Business, General Calendar.

March 9, 2004

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 528** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

ANDREASON, Chairman

There being no objection, **H 528** was referred to the Fourteenth Order of Business, General Calendar.

March 9, 2004

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 620, H 512**, as amended, **HCR 46, H 638, S 1435, H 726**, as amended, **H 499**, as amended, **H 671, H 526, H 527**, and **H 529** with the recommendation that they do pass.

ANDREASON, Chairman

**H 620, H 512**, as amended, **H 638, S 1435, H 726**, as amended, **H 499**, as amended, **H 671, H 526, H 527**, and **H 529** were filed for second reading.

**HCR 46** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 10, 2004

The AGRICULTURAL AFFAIRS Committee reports out **H 678** and **HJM 18** with the recommendation that they do pass.

WILLIAMS, Chairman

**H 678** was filed for second reading.

**HJM 18** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Little, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

#### Messages from the House

Senator Malepeai was recorded present at this order of business.

March 9, 2004

Mr. President:

I transmit herewith **H 774, H 808, H 815, H 787, H 807**, and **H 806** which have passed the House.

JUKER, Chief Clerk

**H 774, H 808, H 815, H 787, H 807**, and **H 806** were filed for first reading.

March 9, 2004

Mr. President:

I return herewith **S 1250, S 1251, S 1306, S 1234**, as amended, **S 1263, S 1281, S 1240, S 1241, S 1242, S 1274, S 1318, S 1291, S 1320**, and **S 1299** which have passed the House.

JUKER, Chief Clerk

**S 1250, S 1251, S 1306, S 1234**, as amended, **S 1263, S 1281, S 1240, S 1241, S 1242, S 1274, S 1318, S 1291, S 1320**, and **S 1299** were referred to the Judiciary and Rules Committee for enrolling.

March 9, 2004

Mr. President:

I transmit herewith Enrolled **H 500**, as amended in the Senate, for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 500**, as amended in the Senate, and ordered it returned to the House.

March 9, 2004

Mr. President:

I return herewith Enrolled **S 1278, SCR 122**, and **SJM 108** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1278** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Enrolled **SCR 122** and **SJM 108** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

On request by Senator Little, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

#### Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

**H 774**, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

**H 808**, by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 815**, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

**H 787**, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

**H 807** and **H 806**, by Ways and Means Committee, were introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

**H 724, H 739, and H 753**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

**S 1353**, by Education Committee, was read the second time at length and filed for third reading.

**H 602**, by Education Committee, was read the second time at length and filed for third reading.

**H 696**, as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading.

**H 592 and H 634**, as amended, by Resources and Conservation Committee, were read the second time at length and filed for third reading.

**S 1416**, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**H 609**, as amended, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

**H 686**, by Local Government Committee, was read the second time at length and filed for third reading.

**H 789, H 790, H 791, H 792, H 793, H 794, H 795, and H 801**, by Appropriations Committee, were read the second time at length and filed for third reading.

**S 1440**, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**S 1437**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 645**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 560**, as amended in the Senate, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 473**, as amended in the Senate, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

**H 520**, as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

**S 1287**, as amended, and **S 1271**, as amended, by Transportation Committee, were read the second time at length and filed for third reading.

**S 1301**, as amended, and **S 1321**, as amended, by Health and Welfare Committee, were read the second time at length and filed for third reading.

**S 1327**, as amended, by Education Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

**S 1420** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--Davis. Total - 1.

Absent and excused--Brandt, Burkett. Total - 2.

Total - 35.

Whereupon the President declared **S 1420** passed, title was approved, and the bill ordered transmitted to the House.

**H 524**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President declared **H 524**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

**H 542** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President declared **H 542** passed, title was approved, and the bill ordered returned to the House.

**H 586** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate.

On request by Senator Darrington, granted by unanimous consent, **H 586** retained its place on the Third Reading Calendar for one legislative day.

**H 551** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bailey arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President declared **H 551** passed, title was approved, and the bill ordered returned to the House.

**H 553** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President declared **H 553** passed, title was approved, and the bill ordered returned to the House.

**H 561** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President declared **H 561** passed, title was approved, and the bill ordered returned to the House.

The President called Senator Cameron to the Chair.

**H 562** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Burtenshaw, Cameron, Compton, Darrington, Gannon, Goedde, Hill, Kennedy, Keough, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Stennett, Sweet, Werk, Williams. Total - 24.

NAYS--Calabretta, Davis, Geddes, Little, Lodge, Stegner. Total - 6.

Absent and excused--Brandt, Bunderson, Burkett, Ingram, Noh. Total - 5.

Total - 35.

Whereupon the Acting President declared **H 562** passed, title was approved, and the bill ordered returned to the House.

**H 534** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Calabretta arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 534** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Little, granted by unanimous consent, **H 554** retained its place on the Third Reading Calendar.

**H 546** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Noble arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 546** passed, title was approved, and the bill ordered returned to the House.

**H 547** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 547** passed, title was approved, and the bill ordered returned to the House.

**H 548** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Williams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 548** passed, title was approved, and the bill ordered returned to the House.

**H 533** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 533** passed, title was approved, and the bill ordered returned to the House.

**H 484** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Noble arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 484** passed, title was approved, and the bill ordered returned to the House.

**H 485** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 485** passed, title was approved, and the bill ordered returned to the House.

**H 483** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 483** passed, title was approved, and the bill ordered returned to the House.

**H 486** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Noble arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bunderson, Burtenshaw, Cameron, Compton, Darrington, Goedde, Hill, Little, Lodge, Malepeai, Marley, Noble, Noh, Pearce, Richardson, Sorensen, Stegner, Sweet, Werk, Williams. Total - 21.

NAYS--Bailey, Burkett, Calabretta, Davis, Gannon, Geddes, Kennedy, Keough, McKenzie, McWilliams, Schroeder, Stennett. Total - 12.

Absent and excused--Brandt, Ingram. Total - 2.

Total - 35.

Whereupon the Acting President declared **H 486** passed, title was approved, and the bill ordered returned to the House.

**H 498** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Compton, Darrington, Gannon, Goedde, Sorensen, Stegner. Total - 7.

NAYS--Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Davis, Geddes, Hill, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk, Williams. Total - 26.

Absent and excused--Brandt, Ingram. Total - 2.

Total - 35.

Whereupon the Acting President declared that **H 498** had failed to pass the Senate and ordered the bill returned to the House.

**H 505** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Gannon arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 505** passed, title was approved, and the bill ordered returned to the House.

**H 506** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 506** passed, title was approved, and the bill ordered returned to the House.

**H 522** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 522** passed, title was approved, and the bill ordered returned to the House.

**H 523** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 523** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Little, granted by unanimous consent, **H 521** retained its place on the Third Reading Calendar for one legislative day.

The President returned to the Chair.

**H 607** was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--Davis. Total - 1.

Absent and excused--Brandt, Ingram. Total - 2.

Total - 35.

Whereupon the President declared **H 607** passed, title was approved, and the bill ordered returned to the House.

**H 509** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President declared **H 509** passed, title was approved, and the bill ordered returned to the House.

**H 535** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President declared **H 535** passed, title was approved, and the bill ordered returned to the House.

**H 536** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Gannon and McKenzie arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Moved by Senator Werk, seconded by Senator Calabretta, that **H 536** be referred to the Fourteenth Order of Business for amendment. The question being, "Shall the motion prevail?"

Whereupon the President declared that the motion, by voice vote, did not prevail. The question being, "Shall **H 536** pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President declared **H 536** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Little, granted by unanimous consent, **H 567** retained its place on the Third Reading Calendar.

**H 588** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President declared **H 588** passed, title was approved, and the bill ordered returned to the House.

**H 610** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Bunderson, Burtenshaw, Calabretta, Compton, Darrington, Davis, Gannon, Goedde, Kennedy, Keough, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Richardson, Schroeder, Stennett, Sweet. Total - 21.

NAYS--Andreason (Andreason), Burkett, Cameron, Geddes, Hill, Little, Noh, Pearce, Sorensen, Stegner, Werk, Williams. Total - 12.

Absent and excused--Brandt, Ingram. Total - 2.

Total - 35.

Whereupon the President declared **H 610** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

### Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:10 p.m. until the hour of 4 p.m. of this day.

### RECESS AFTERNOON SESSION

The Senate reconvened at 4 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senators Bunderson, Burkett, Cameron, Compton, Davis, Gannon, Hill, Malepeai, McKenzie, Noble, Sorensen, Sweet, Werk, and Williams, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business.



**Reports of Standing Committees**

March 10, 2004

The AGRICULTURAL AFFAIRS Committee reports out **H 682** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

WILLIAMS, Chairman

There being no objection, **H 682** was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Little, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1441****BY JUDICIARY AND RULES COMMITTEE****AN ACT**

RELATING TO PUBLIC RECORDS; AMENDING SECTION 9-340B, IDAHO CODE, TO REVISE EXEMPTION PROVISIONS APPLICABLE TO WORKER'S COMPENSATION RECORDS OF THE IDAHO INDUSTRIAL COMMISSION.

**S 1441** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Little, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

Senators Burkett, Compton, McKenzie, and Werk were recorded present at this order of business.

On request by Senator Little, granted by unanimous consent, **H 554** and **H 567** were placed before the Senate for consideration at this time.

**H 554**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Ingram arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Burkett, Burtenshaw, Calabretta, Compton, Darrington, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 26.

NAYS--None.

Absent and excused--Brandt, Bunderson, Cameron, Davis, Gannon, Hill, Malepeai, Noble, Sweet. Total - 9.

Total - 35.

Whereupon the President declared **H 554** passed, title was approved, and the bill ordered returned to the House.

The President called President Pro Tempore Geddes to the Chair.

Senators Bunderson, Davis, Gannon, Sorensen, Sweet, and Williams, were recorded present at this order of business.

**H 567**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Ingram arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Brandt, Bunderson, Burtenshaw, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 27.

NAYS--Burkett, Calabretta, Kennedy, Marley. Total - 4.

Absent and excused--Cameron, Hill, Malepeai, Noble. Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared **H 567** passed, title was approved, and the bill ordered returned to the House.

Senator Noble was recorded present at this order of business.

**H 601** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Ingram arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Bunderson, Burkett, Burtenshaw, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Stennett, Sweet, Williams. Total - 24.

NAYS--Brandt, Calabretta, Little, Lodge, Noble, Sorensen, Stegner, Werk. Total - 8.

Absent and excused--Cameron, Hill, Malepeai. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 601** passed, title was approved, and the bill ordered returned to the House.

**H 605** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Call of the Senate was requested by Senators Davis, Calabretta, and Werk.

Whereupon the President Pro Tempore ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present except Senators Cameron, Hill, and Malepeai.

The President Pro Tempore directed the Sergeant at Arms to find and present Senators Cameron, Hill, and Malepeai to the Senate.

Senators Cameron, Hill, and Malepeai were recorded present.

On request by Senator Davis, granted by unanimous consent, the Call was lifted.

The question being, "Shall **H 605** pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 605** passed, title was approved, and the bill ordered returned to the House.

**H 611** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 611** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Little, granted by unanimous consent, **H 488** retained its place on the Third Reading Calendar.

**H 493** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 493** passed, title was approved, and the bill ordered returned to the House.

**H 489** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 489** passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

On request by Senator Darrington, granted by unanimous consent, **H 586**, having been held, was referred to the Fourteenth Order of Business, General Calendar.

**H 491** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 491** passed, title was approved, and the bill ordered returned to the House.

**H 494** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 494** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Little, granted by unanimous consent, **H 495** retained its place on the Third Reading Calendar.

**H 497** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 497** passed, title was approved, and the bill ordered returned to the House.

**H 490** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 490** passed, title was approved, and the bill ordered returned to the House.

**H 492** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 492** passed, title was approved, and the bill ordered returned to the House.

**H 496** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 496** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Little, granted by unanimous consent, **H 549** retained its place on the Third Reading Calendar.

**H 518** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 518** passed, title was approved, and the bill ordered returned to the House.

**H 537** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 537** passed, title was approved, and the bill ordered returned to the House.

**H 538** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Ingram arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 538** passed, title was approved, and the bill ordered returned to the House.

**H 480** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bailey arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rules 39(A) and 39(H), Senator Stegner disclosed a conflict of interest and requested to be excused from voting on **H 480**, under applicable law. There being no objection, the President declared Senator Stegner excused from voting pursuant to Senate Rules 39(A) and 39(H).

The question being, "Shall **H 480** pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Burkett, Compton, Gannon, Goedde, Ingram, Kennedy, Keough, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Schroeder, Sorensen, Stennett, Sweet, Werk. Total - 20.

NAYS--Andreason (Andreason), Bunderson, Burtenshaw, Calabretta, Darrington, Geddes, Little, Noh, Pearce, Richardson, Williams. Total - 11.

Excused from voting--Stegner. Total - 1.

Absent and excused--Cameron, Davis, Hill. Total - 3.

Total - 35.

Whereupon the President declared **H 480** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Little, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Little, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### Miscellaneous Business

On motion by Senator Little, seconded by Senator Stennett, by voice vote the Senate adjourned at 6:15 p.m. until the hour of 9:30 a.m., Thursday, March 11, 2004.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary